

135 (claims for past paid public assistance). *See also* G.S. 1-52(3) (statute of limitations for claims for prior maintenance).

There is no statute of limitations for commencing a civil action seeking support for a minor child. *See* Lenoir County *ex rel.* Cogdell v. Johnson, 46 N.C. App. 182, 264 S.E.2d 816 (1980).

A parent, person, or agency that has physical custody of a minor child has standing to commence an action seeking support for that child even if the parent, person, or agency does not have legal custody of the child under a court order. *See* Craig v. Kelley, 89 N.C. App. 458, 366 S.E.2d 249 (1988); Becton v. George, 90 N.C. App. 607, 369 S.E.2d 366 (1988). *See also* G.S. 110-130 (child support action by state or local child support enforcement (IV-D) agency on behalf of custodian or child). The existence of a valid, unincorporated separation agreement requiring a parent to pay child support does not preclude the custodial parent from filing a civil action requesting the court to enter a child support order pursuant to this section. *See* Powers v. Parish, 104 N.C. App. 400, 409 S.E.2d 725 (1991); Bottomley v. Bottomley, 82 N.C. App. 231, 346 S.E.2d 317 (1986).

Before 1981, a child's father was primarily responsible for the child's support and the child's mother was secondarily responsible. G.S. 50-13.4 was amended in 1981 to make the mother and father of a minor child primarily and jointly responsible for the child's support. *See* Plott v. Plott, 313 N.C. 63, 326 S.E.2d 863 (1985).

A noncustodial parent's obligation to pay child support is not dependent on the custodial parent's compliance with a court order granting visitation rights to the noncustodial parent. *See* Appert v. Appert, 80 N.C. App. 27, 341 S.E.2d 342 (1986); Sowers v. Toliver, 150 N.C. App. 114, 562 S.E.2d 593 (2002).

A parent's duty to support his or her child is not excused simply because the child has separate earnings, income, or property. *See* Sloop v. Friberg, 70 N.C. App. 690, 320 S.E.2d 912 (1984); Browne v. Browne, 101 N.C. App. 617, 400 S.E.2d 736 (1991); *cf.* Sloan v. Sloan, 87 N.C. App. 392, 360 S.E.2d 816 (1987).

A parent may not contract away his or her legal obligation to support his or her child. *See* Cartrette v. Cartrette, 73 N.C. App. 169, 325 S.E.2d 671 (1985).

A court may order the custodial parent to allow the noncustodial parent who is required to pay child support to claim the federal and state income tax exemptions for a child. *See* Cohen v. Cohen, 100 N.C. App. 334, 396 S.E.2d 344 (1990). A court, however, may not order a parent who is the representative payee of Social Security benefits for his or her child to pay those benefits to the other parent. *See* Brevard v. Brevard, 74 N.C. App. 484, 328 S.E.2d 789 (1985).

The provisions of G.S. 50-13.4 regarding the responsibility of grandparents to support a grandchild born to a minor parent were enacted in 1995 and apply with respect to the support of children born on or after October 1, 1995. 1995 N.C. Sess. Laws ch. 518. *See also* Whitman v. Kiger, 139 N.C. App. 44, 533 S.E.2d 807 (2000), *aff'd*, 353 N.C. 360, 543 S.E.2d 476 (2001).

A written agreement by a stepparent to support his or her minor stepchild must be acknowledged by the stepparent before a notary public or other person authorized to administer oaths. *See* Moyer v. Moyer, 122 N.C. App. 723, 471 S.E.2d 676 (1996). The liability of a stepparent or other person standing *in loco parentis* for the support of a child is secondary to that of the child's parents. *See* Duffey v. Duffey, 113 N.C. App. 382, 438 S.E.2d 445 (1994).

Absent findings to the contrary, an order requiring a parent to pay child support is effective as of the date the action was commenced. *See* State *ex rel.* Miller v. Hinton, 147 N.C. App. 700, 556 S.E.2d 634 (2001). A court may award pre-judgment interest with respect to child support that